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In re Application of
ALLIOT, et al.
U.S. Application No.: 10/523,747
Filing Date: 02 February 2005

Attorney Docket No.: Stolt-51
For: METHOD OF AND APPARATUS FOR
INTERCONNECTING LINED PIPES

DECISION ON PETITION

UNDER 37 CFR 1.10

This decision is in response to applicant's "Petition Under 37 CFR 1.10(d)" filed 31 March 2005 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 01 August 2003, applicant filed international application PCT/EP03/09305. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 19 February 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 02 February 2005.

Applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an English translation of the international application and a preliminary amendment. The USPTO assigned a filing date of 03 February 2005 based on the "Date-In" stamped by the United States Postal Service (USPS) on the Express Mail envelope.

On 31 March 2005, applicant filed the present petition under 37 CFR 1.10 (d) seeking a filing date of 02 February 2005.

DISCUSSION

In order to be granted, a petition under 37 CFR 1.10(d) must be:

- 1) Filed promptly after the person becomes aware that the Office has accorded or will accord, a filing date based upon an incorrect entry by the USPS;
- 2) The number of the "Express Mail" mailing label was placed on the filed papers; and
- 3) The petition includes a showing to the satisfaction of the Director that the requested

filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day.

Applicant has satisfied all three items. Specifically as to item three, applicant has provided a declaration from Ms. Sheri Cooper avowing that she deposited the subject papers prior to the last scheduled pickup time of 1:00 pm. In addition, Ms. Cooper has stated that after depositing the mailing, she then entered this information on the firm's Express Mail log. A copy of the log has been provided. As such, it is proper to grant applicant's petition at this time.

CONCLUSION

Applicant's petition under 37 CFR 1.10(d) is GRANTED.

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision: 1) The assigning of a receipt date of the National stage papers of 02 February 2005 and 2) The preparation and mailing of a "Notification of Missing Requirements" (Form PCT/DO/EO/905) indicating that an executed oath or declaration of the inventors and payment of the appropriate surcharge is required.



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